IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1682 OF 2006

Asha Keshav Palgadmal .. Petitioner

Vs.

Deputy Registrar Co-operative
Societies & Ors. .. Respondents

Mr.Prashant Kulkarni for the petitioner
Ms.Mamta Saadh, A.G.P.for the respondent no.1 and 2

CORAM : J.N.PATEL &
S.C.DHARMADHIKARI, JJ.

DATED : 22ND FEBRUARY, 2007

P.C.:

1. The Deputy Registrar Co-operative Societies has filed his affidavit in reply. The same is tendered across the bar. It is taken on record. Copy is furnished to the learned counsel for the petitioner. On going through the affidavit in reply, this court finds that the matter has got stuck up at the level of Divisional Joint Registrar, Co-operative Society before whom the Society has filed an appeal against the order of Deputy Registrar passed under Section 77A of the Maharashtra Co-operative Societies Act, 1960. Therefore, this court finds that the respondents

cannot proceed in the matter of holding the election unless the appeal is decided by the Divisional Joint Registrar, Co-operative Societies.

2. The relief which the petitioner has sought in this petition i.e. seeking directions against respondent no.1 to hold election is unfounded considering the fact situation brought on record in the affidavit of respondent no.1. Even otherwise he has not shown any inaction on his part in not taking appropriate steps in the affairs of the respondent no.4 society. Therefore, in the facts and circumstances, this court may not be able to grant the relief sought for by the petitioner. It is better that the petitioner pursues his remedy before the authorities under the Maharashta Co-operative Societies Act, 1960. Nothing prevents the petitioner from intervening in the appeal preferred by the Society before the Divisional Joint Registrar and pursue the matter. With these observations, we dismiss the petition.

(SHRI J.N. PATEL, J)

(SHRI S.C.DHARMADHIKARI, J)